

REMARKS

Status of the Claims

- Claims 1-16, 19-20, and 25-33 are pending in the Application after entry of this amendment.
- Claims 1-20, and 31-33 are rejected by Examiner.
- Claims 17-18 are cancelled.
- Claims 25-30 remain withdrawn via restriction.
- Claims 1, 4-5, 8-15, and 32 are amended.

Claim Rejections Pursuant to 35 U.S.C. §101

Claims 8-14, and 32 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter (i.e. software per se). Applicant respectfully traverses the rejection.

Claims 8-14 and 32 are amended to more distinctly claim the tangible element of manufacture of a computer readable storage medium. As indicated in the as-filed specification, the computer implemented methods of the present invention may be carried out on computer readable medium, such as a medium stored persistently in a computer, or stored and installed from a CD-ROM, or downloaded from the Internet. Applicant respectfully submits that one of skill in the art knows that a storage medium, such as a CD-ROM or persistent computer storage (e.g. computer memory), is tangible and an article of manufacture.

Paragraph 100 of the as-filed specification is amended to clarify that which is known to those of skill in the art. That is, that a computer readable medium, such as a tangible CD-ROM or persistent computer storage, includes software code (instructions). The software code is not the medium, the medium contains thereon the software code. The medium itself is tangible. Applicant submits that no new matter is added as a result of the specification amendment because it is well known in the prior art that a computer readable medium contains computer program code and that the medium itself is not program code.

Amended Claims 8-14 and 32 now recite allowable subject matter in the form of a tangible computer readable storage medium. Applicant respectfully requests reconsideration and withdrawal of the 35 USC §101 rejection.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 1-2, 4-5, 8-9, 11-12, 15, 18, and 31-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,675,205 to Meadway et al. (Meadway). Applicant respectfully overcomes the rejection. Applicant respectfully reserves the right to antedate Meadway in a future communication.

Meadway discloses a peer-to-peer automated anonymous asynchronous file sharing service. The service performs centralized searches based on index information transmitted by peer systems to a central site using an agent program running on each peer and then directs the peer systems to each other for the purpose of retrieving files. If none of the peer systems known to contain the file is online (and the file is therefore not available), the request is placed in a queue of file requests maintained by the central site. When a system containing the requested file connects to the service, the requested file is retrieved from that system and then distributed to the other systems which had requested the file. Files retrieved for systems not currently online are held in a queue until the user connects or are emailed to the user, usually as an email attachment. Or, when a computer system containing the file connects to the central site, the file is sent by the system containing the file either to the central site or directly to the user who requested the file via email attachment. (See Meadway, Abstract)

Independent Claims 1, 8, and 15 are amended to include the aspects of polling by the local agent, wherein the local agent comprises a simple object access protocol (SOAP) interpreter to communicate with a task processor that communicates with the schedule timer and a local computer file system.

Applicant finds support for this amendment in Figure 3 of the as-filed application as well as, but not limited to, the supporting text of Figure 3 in paragraphs 59-64. Dependent Claims 4-5, and 10-12 are amended to comport with the respective independent claims. Claims 17-18 are cancelled without prejudice or disclaimer.

Applicant respectfully submits that the added elements amended Claims 1, 8, and 15 are not disclosed in Meadway. Accordingly, Meadway cannot anticipate the pending amended independent claims and their respective dependent claims. Applicant respectfully requests reconsideration and withdrawal of the 35 USC §102 rejection.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 3, 6-7, 10, 13-14, 16-17, and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,675,205 to Meadway et al. (Meadway) in view of U.S. Patent No. 6,757,734 to Resenius et al. (Resenius). Applicant respectfully overcomes the rejection. Applicant respectfully reserves the right to antedate Resenius in a future communication.

The teachings of Meadway are briefly discussed above.

Resenius discloses a method of achieving communication via a network with the aid of a wireless application protocol (WAP) between a first application in a first computer unit and a second application in a second computer unit, wherein said first application is a Windows.RTM. application. The first computer unit includes a WinSock TCP base provider operating beneath WinSock SPI, and a TCP/UDP/IP stack operating beneath said WinSock TCP base provider. The first application includes a function for communicating by means of TCP/IP via the TCP/UDP/IP stack and the WinSock TCP base provider. The first computer unit also includes a module and a WAP stack. The module includes the function of forming an interface between said WAP stack and the first application. (See Resenius, Abstract).

Independent Claims 1, 8 and 15, upon which dependent Claims 6-7, 13-14, and 19-20 depend, are amended to include the aspects of a local agent that includes a transmission control protocol/internet protocol (TCP/IP) stack, an extensible markup language input output (XML I/O) parser, and a simple object access protocol (SOAP) interpreter, wherein the SOAP interpreter communicates with the task processor in communication with the schedule timer and a local computer file system, wherein the task processor retrieves the file from one of the local computer file system.

Applicant respectfully submits that the combination of Meadway and Resenius fails to disclose or suggest the particular protocol stacks and functions now included in the

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pending claims. Since the combination of Meadway and Rensenius fails to disclose all of the elements of the amended pending independent claims, then pending dependent Claims 6-7, 13-14, and 19-20 cannot be rendered obvious by the cited combination per MPEP §2143.03. Applicant respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection based on the amendments herein.

Conclusion

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration of all pending claims.

Respectfully submitted,

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